

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA**

**RANDY COOPER,**

**Plaintiff,**

**v.**

**Civil No. 5:06cv73  
(Judge Stamp)**

**V. TAYLOR,**

**Defendant.**

**RECOMMENDATION THAT APPLICATION TO PROCEED  
IN FORMA PAUPERIS BE DENIED AS MOOT**

On June 9, 2006, the *pro se* plaintiff, Randy Cooper, filed a complaint with the Court and an Application to Proceed Without Prepayment of Fees. On July 26, 2006, the Court recommended that the plaintiff's complaint be dismissed without prejudice pursuant to 28 U.S.C. §§ 1915A and 1915(e) for the failure to state a claim, rendering the application for leave to proceed *in forma pauperis* moot.

Accordingly, it is recommended that the plaintiff's June 9, 2006 application to proceed *in forma pauperis* (Doc. 2) be DENIED AS MOOT.

The plaintiff may file within ten (10) days from the date of this Recommendation, with the Clerk of the Court written objections identifying the portions of the Recommendation to which objections are made, and the basis for such objections. A copy of such objections should also be submitted to the Honorable Frederick P Stamp, Jr., United States District Judge. Failure to timely file objections to the Recommendation set forth above will result in waiver of the right to appeal from a judgment of this Court based upon such Recommendation. 28 U.S.C. § 636(b)(1); United

States v. Schronce, 727 F.2d 91 (4th Cir. 1984), cert. denied, 467 U.S. 1208 (1984); Wright v. Collins, 766 F.2d 841 (4th Cir. 1985); Thomas v. Arn, 474 U.S. 140 (1985).

The Clerk of the Court is directed to mail a copy of this Recommendation to the *pro se* plaintiff.

DATED: July 27, 2006

/s/ James E. Seibert  
**JAMES E. SEIBERT**  
**UNITED STATES MAGISTRATE JUDGE**